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October 1, 2024

Submitted via ECF

Honorable Jesse Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1105
New York, NY 10007

Re: Carrodine et al. v. Flatiron Media LLC et al., No. 1:22-cv-09660-JMF

Dear Judge Furman:

Counsel for Plaintiffs, Jason Carrodine, Kimberly Hudson, and Eli Reisman (collectively “Plaintiffs”) write the Court pursuant to Local Rules 7.1(d) and 5.2(b) and Your Honor’s Individual Rule 2(E) to request an extension of the deadline to file an Amended Complaint or in the alternative, to respond to the motion to dismiss filed by Unlimited Traffic, Ltd., Sea Ranch International Ltd. and Sea Ranch International Pte. Ltd. (“the HasTraffic Defendants”). ECF No. 116. The current deadline is **October 4, 2024** (ECF No. 119), and Plaintiffs seek an extension of time until **October 21, 2024**. Plaintiffs will be filing an amended complaint. The reasons for the proposed extension are set forth below.

After serving the HasTraffic Defendants with the summons and the Second Amended Complaint through the Hague Convention, Plaintiffs - as a professional courtesy - agreed to **three** lengthy extensions of time for the HasTraffic Defendants to respond to the Second Amended Complaint, from May 2024 until September 13, 2024. *See* ECF Nos. 104-109. During that time, HasTraffic insisted on the informal exchange of information rather than through responding to formal discovery. Ultimately, HasTraffic did not produce SMS text logs or records of phone numbers texted by its affiliates but instead identified one of the publishers associated with text messages sent to one of the plaintiffs (not all three plaintiffs) and answered various questions.

At the discovery conference on September 11, 2024 (which also addressed a discovery

impasse between Plaintiffs and Flatiron), HasTraffic's position was that it did not need to provide this information/records because Plaintiffs had not issued formal discovery requests - despite the fact it previously insisted on informally exchanging information. Accordingly, on September 13, 2024, Plaintiffs issued interrogatories and requests for production, which address, *inter alia*, HasTraffic's relationship with its "affiliates" that sent text messages, and questions relating to jurisdiction. That same date, HasTraffic filed a motion to dismiss for lack of subject matter jurisdiction. ECF Nos. 113-116.

HasTraffic's discovery responses are due on October 14, 2021. Because HasTraffic's responses to discovery are likely to warrant an additional amendment to the complaint, for the purposes of efficiency, on September 24, 2024, we asked counsel whether they would consent to an extension of time until October 21, 2024, to file an amended complaint or otherwise respond to the motion to dismiss (again, Plaintiffs will be filing an amended complaint). This date is one week after Plaintiff's are to receive HasTraffic's discovery responses. Having received no response from either Flatiron or the HasTraffic Defendants, we followed up on September 30, 2024, and counsel for Flatiron consented to the proposed extension. HasTraffic did not respond. On October 1, 2024, we again followed up with HasTraffic's counsel by email. We also followed up by phone. To date, we have not received a response.

While we would hope the three extensions Plaintiffs professionally agreed to would be reciprocated by HasTraffic in response to Plaintiffs' reasonable request, HasTraffic has not confirmed whether it agrees to the proposed extension.

Where good cause exists to extend the deadline and one of the Defendants have consented to the request (the HasTraffic Defendants' position remains unknown), Plaintiffs respectfully request an extension of the deadline to file an amended complaint from October 4, 2024 until October 21, 2024.

Plaintiffs appreciate the Court's time and attention to this matter.

Respectfully submitted,

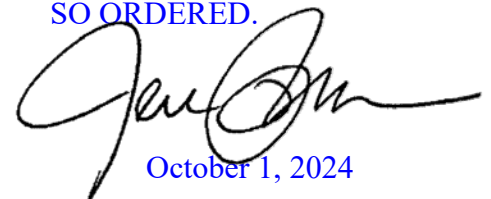
/s/ Jacob U. Ginsburg

Jacob U. Ginsburg, Esq. (*pro hac vice*)

Christopher E. Roberts, Esq. (*pro hac vice*)
*Counsel for Plaintiffs Jason Carrodine,
 Kimberly Hudson and Eli Reisman*

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 123.

SO ORDERED.



October 1, 2024

cc: all counsel of record (via email and ECF)